

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

TRUSTEES OF THE BRICKLAYERS AND  
MASONS LOCAL NO. 22 PENSION PLAN,

Plaintiff,

Case No. 3:20-cv-398

vs.

5 STAR MASONRY, LLC,

District Judge Michael J. Newman  
Magistrate Judge Caroline H. Gentry

Defendant.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (Doc. No. 24); (2) GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AS TO DAMAGES (Doc. No. 23); (3) AWARDING JUDGMENT, AND DIRECTING THE CLERK OF COURT TO ENTER JUDGMENT IN PLAINTIFF'S FAVOR, AND AGAINST DEFENDANT 5 STAR MASONRY, LLC, IN THE AMOUNT OF \$101,936.57; (4) REQUIRING PLAINTIFF TO FILE A BILL OF COSTS; AND (5) RETAINING JURISDICTION IN THIS MATTER UNTIL THE COURT'S JUDGMENT, INCLUDING INTEREST AND FEES, IS EXECUTED IN FULL**

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Caroline H. Gentry (Doc. No. 24), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing objections under Fed. R. Civ. P. 72(b) has expired, it is hereby **ORDERED** that: (1) the Report and Recommendation (Doc. No. 24) is **ADOPTED** in its entirety; (2) Plaintiff's motion for default judgment as to damages (Doc. No. 23) is **GRANTED**; and (3) Judgment is **AWARDED**, and the Clerk of Court is directed to enter Judgment, pursuant to Fed. R. Civ. P. 58, in Plaintiff's favor and against Defendant 5 Star Masonry, LLC in the amount of \$101,936.57.

As previously ordered (Doc. No. 14, PageID 181), Plaintiff is also entitled to ongoing

interest in the amount of one percent per month until the unpaid contributions are paid in full, as well as to any costs incurred in collecting the judgment amount. The Court therefore **ORDERS** Plaintiff to **FILE** a Bill of Costs detailing such expenses. The Court retains jurisdiction over this matter until its judgment, including interest and fees, is executed in full.

**IT IS SO ORDERED.**

June 23, 2023

s/ Michael J. Newman  
Hon. Michael J. Newman  
United States District Judge